



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108

5179 7590 01/03/2003

PEACOCK MYERS AND ADAMS P C  
P O BOX 26927  
ALBUQUERQUE, NM 871256927

EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
----------	--------------

3752

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/574,637

Applicant(s)

JOHNSON, JOHN J.

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27,29-32,36-41,43-48 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,29-32,36-41,43-48 and 51-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

***Response to Amendment***

1. Applicant's amendment of December 12, 2002 is acknowledged and entered as paper number 19 in the case file wrapper.
2. Applicant's amendment and remarks have been fully considered.
3. All of the appropriate 35 USC paragraphs can be found in the office action of August 23, 2002 and will not be repeated herein.

***Claim Rejections - 35 USC § 102***

4. Claims 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Androsov et al.

The patent to Androsov et al. shows an emergency response vehicle, the vehicle comprising:

- a wedge-shaped nose (see the figure) having a top surface, a bottom surface, and at least two side surfaces wherein the top, bottom, and the two side surfaces are angled to comprise the wedge shaped nose;
- at least one emergency response fluid delivery tank 3;
- an engine.

5. Claims 41, 43, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Bower.

The patent to Bower shows a fire-fighting emergency response vehicle comprising a triangular wheel base, at least one emergency response fluid delivery tank 1, and an engine.

Art Unit: 3752

***Claim Rejections - 35 USC § 103***

6. Claims 27, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler.

The patent to Schaffler discloses an emergency response vehicle, the vehicle comprising:

- a wedge-shaped nose (Column 2, lines 15-16) having a top surface, a bottom surface, and at least two side surfaces wherein the top, bottom, and the two side surfaces are angled to comprise the wedge shaped nose;
- at least one emergency response fluid delivery tank 4;
- a rigid frame for withstanding impacts.

Although Schaffler does not specifically disclose a fire-fighting vehicle, the vehicle of Schaffler is fully capable of fighting fires since it comprises water nozzles 8.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bolton et al.

The patent to Schaffler discloses the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler by providing a fire resistant window as taught by Bolton et al. for fire protection.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Atkins.

Art Unit: 3752

The patent to Schaffler discloses the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Schaffler a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Schaffler would function properly with such arrangements.

9. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler.

The patent to Schaffler discloses the instant invention except for the dimensions as recited. It would have been an obvious matter of design choice to have made the vehicle according to dimensions claimed, since such a modification would have involved a mere change in the size of a component which is generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the criticality of such a modification.

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Androsov et al. in view of Carrier.

The patent to Androsov et al. discloses the instant invention except for the amount of foam as recited. The patent to Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Androsov et al. by

Art Unit: 3752

providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

11. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Androsov et al. in view of Star.

The patent to Androsov et al. discloses the instant invention except for the vehicle comprising at least one attachment as recited. The patent to Star teaches an emergency vehicle which is capable of being airlifted to a destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Androsov et al. by providing at least one attachment point for airlifting and airdropping the vehicle as taught by Star in order to quickly place the vehicle a particular location to fight fires.

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bower.

Schaffler discloses the instant invention except for the triangular wheel base and the brake system as recited in claim 40. The patent to Bower teaches a fire fighting vehicle comprising a fluid delivery tank, an engine, and three wheels making a triangular wheel base as recited in claim 39. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler by providing a triangular wheel base as taught by Bower to reduce cost and weight of the vehicle.

13. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Veath, Sr.

Art Unit: 3752

The patent to Schaffler discloses the instant invention except for the left and right brakes and the brakes having separate controllability. The patent to Veath, Sr. teaches a vehicle comprising three wheels in which each of the wheels is driven by its own hydraulic motor which will provide left and right brakes wherein the brakes comprise a separate controllability. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler by providing left and right brakes wherein the brakes comprise separate controllability as taught by Veath, Sr. to steer the vehicle.

14. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bower.

The patent to Schaffler discloses an emergency response vehicle comprising at least one emergency response fluid delivery tank and an engine. Schaffler does not disclose a triangular wheel base. The patent to Bower teaches a vehicle having a triangular wheel base. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler by providing a triangular wheel base as taught by Bower in order to eliminate one of the wheels to save cost and weight of the vehicle.

15. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bower as applied to claim 41 and in further view of Atkins.

The patents to Schaffler and Bower disclose the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one

Art Unit: 3752

having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler and Bower by providing a fire resistant window as taught by Bolton et al. for heat protection.

16. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bower as applied to claim 41 and in further view of Atkins.

The patents to Schaffler and Bower disclose the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Schaffler and Bower a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Schaffler and Bower would function properly with such arrangements.

17. Claims 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bower.

Bower does not disclose the dimensions as recited in claim 46 or the tank capacity as recited in claim 51. It would have been an obvious matter of design choice to have made the vehicle according to dimensions and the capacity as claimed, since such modifications would have involved a mere change in the size of a component which is generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the criticality of such a modification.

18. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bower in view of Arnold.



Art Unit: 3752

The patent to Bower discloses the instant invention except for the front wheel comprising a 360 degree rotatability as recited. The patent to Arnold teaches a vehicle comprising a steering system which provides a 360 degree rotatability about an axis substantially orthogonal to the axis of rotation of the wheels for translational movement of the vehicle (Column 5, lines 13-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bower by providing a 360 degree rotatability for the front wheel as taught by Arnold for translational movement of the vehicle.

19. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bower in view of Schaffler.

The patent to Bower discloses the instant invention except for the rigid frame as recited. The patent to Schaffler teaches a vehicle having a frame 1 for withstanding impacts with obstacles in the path of the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bower by incorporating a rigid frame as taught by Schaffler for withstanding impacts with obstacles in the path of the vehicle.

20. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bower in view of Star.

The patent to Bower discloses the instant invention except for the at least one attachment point as recited. The patent to Star teaches an emergency vehicle having at least one attachment point on the vehicle for airlifting and airdropping the vehicle (Column 3, lines 39-45). It would have been obvious to one having ordinary skill in the

Art Unit: 3752

art at the time the invention was made to have modified the device of Bower by providing at least one attachment point on the vehicle as taught by Star for airlifting and airdropping the vehicle to a specific area.

21. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bower in view of Willard, Jr.

The patent to Bower discloses the instant invention except for the runflat tires as recited. The patent to Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bower by using runflat tires as taught by Willard, Jr. in order to provide demonstrates improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

22. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bower in view of Matsushita.

The patent to Bower discloses the instant invention except for the left and right brakes and the brakes comprising separate controllability. The patent to Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bower by incorporating left

Art Unit: 3752

and right brakes wherein the brakes are separately controlled as taught by Matsushita in order to provide a smooth turning performance.

***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663.

The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7766 for regular communications and (703)308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu  
January 2, 2003